IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 908 of 2007(G)

PETITIONER:

KALYANI AMMA, 'PEEDIKAKUDI HOUSE',
MARAMPALLI P.O, ALUVA- 683 107.

BY ADV. SRI.P.RAMAKRISHNAN
SMT.PREETHI KESAVAN

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
THEDIYITTA PARAMBU POLICE STATION,
SOUTH VAZHAKULAM.

2. SUPERINTENDENT OF POLICE,
ERNAKULAM RURAL.

3. SUPERINTENDENT OF POLICE,
CRIME BRANCH (CID), ERNAKULAM.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 908 OF 2007-G

Dated this the 26th day of February, 2007

JUDGMENT

The petitioner is a 74 years old lady. Her daughter was allegedly found missing from her matrimonial abode on 15/11/06. The missing daughter is a married woman aged about 48 years and has a son aged 14 years. She had allegedly left the matrimonial abode leaving a note that she is leaving on her own. Later, the petitioner – mother as well as the son of the missing lady had received letters, without dispute, in the handwriting of the missing woman apprising them of her position and the circumstances under which she was constrained to leave the matrimonial home. The grievance of the petitioner is that serious efforts have not been made by the police to trace her daughter. Investigation is presently being conducted by the 1st respondent on the basis of an F.I.R. registered under the caption "woman missing". The petitioner complains that the police is not taking necessary interest in the successful tracing of her daughter. Her son-in-law does not appear to be interested in tracing her daughter and it is, in these circumstances, that the petitioner has come to this Court for

appropriate directions. She laments that Ext.P2 application submitted by her to the Superintendent of Police, Ernakulam (Rural) has not evoked any useful response.

2. A statement has been filed by the 1st respondent. He is present before this Court to explain the steps taken by him. The plight of the petitioner is indeed unfortunate, the old lady being unable to trace her daughter. On a consideration of all the circumstances, I am satisfied that no specific or special directions deserve to be issued with respect to the investigation that is being conducted by the 1st respondent. The 1st respondent must make every endeavour to trace the missing woman and the 2nd respondent – Superintendent of Police, must ensure that the 1st respondent does take all the necessary steps to expeditiously trace the missing woman.

3. With the above observations, this writ petition is dismissed.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge

The petitioner is the mother of a woman who is missing and in respect of whom an F.I.R. (Ext.P1) under the caption “man missing” has been registered by the police on the basis of a complaint filed by the husband of the daughter of the petitioner. The short grievance of the petitioner is that no proper and effective action is being taken by the police in respect of the said crime. The petitioner, in these circumstances, has come to this Court with this petition under Art.226 of the Constitution.

2. Notice given and the learned Public Prosecutor appears for respondents 1 to 3. The respondent/Investigating Officer shall file his statement explaining the action that has been taken in the matter and the result of such enquiry/ investigation conducted so far. Such statement shall be filed within a period of 15 days from this date.

3. Call on 25/1/2007.